

LET PEOPLE RULE, SAYS ROOSEVELT

Opposes President's Attitude on
Popular Government.

PEOPLE'S VOICE MUST PREVAIL

Cheered For Speech in Opening Active
Campaign For Nomination—Quoted
Taft as Opposed to the Majority.
Stands Squarely on His Columbus
(O.) Address.

The salient passages in Colonel
Roosevelt's forceful campaign speech,
delivered in Carnegie hall, New York,
Wednesday evening, are given below:

The great fundamental issue now be-
fore the Republican party and before
our people can be stated briefly. It is,
Are the American people fit to govern
themselves, to rule themselves, to con-
trol themselves? I believe they are.
My opponents do not. I believe in the
right of the people to rule. I believe
that the majority of the plain people
of the United States will, day in and
day out, make fewer mistakes in gov-
erning themselves than any smaller
class or body of men, no matter what
their training, will make in trying to
govern them. I believe again that the
American people are as a whole capa-
ble of self control and of learning by
their mistakes. Our opponents pay lip
loyalty to this doctrine, but they show
their real beliefs by the way in which
they champion every device to make
the nominal rule of the people a sham.

I have scant patience with this talk
of the tyranny of the majority. When-
ever there is tyranny of the majority I
shall protest against it with all my
heart and soul. But we are today suf-
fering from the tyranny of the minor-
ities. It is a small minority that is
grabbing our coal deposits, our water
powers and our harbor fronts. A small
minority is fattening on the sale of
adulterated foods and drugs. It is a
small minority that lies behind mono-
polies and trusts. It is a small minority
that stands behind the present law of
master and servant, the sweatshops
and the whole calendar of social and
industrial injustice. It is a small min-
ority that is today using our conven-
tion system to defeat the will of a ma-
jority of the people in the choice of
delegates to the Chicago convention.

Not For Recall Everywhere.
My opponents charge that two things
in my program are wrong because they
intrude into the sanctuary of the judi-
ciary. The first is the recall of judges
and the second is the review by the peo-
ple of judicial decisions on certain con-
stitutional questions. I have said again
and again that I do not advocate the
recall of judges in all states and in all
communities. The integrity of our
judges, from Marshall to White and
Holmes and to Cullen and many others
in our own state—is a fine page of
American history. But—I say it soberly—
democracy has a right to approach the
sanctuary of the courts when a
special interest has corruptly found
sanctuary there, and this is exactly
what has happened in some of the
states where the recall of the judges is
a living issue. Is it not equally plain
that the question whether a given so-
cial policy is for the public good is not
of a judicial nature, but should be set-
tled by the legislature or in the final
instance by the people themselves?

The president of the United States,
Mr. Taft, devoted most of a recent
speech to criticism of this proposition.
He says that it "is utterly without
merit or utility, and instead of being
... in the interest of all the people
and of the stability of popular gov-
ernment, is sowing the seeds of confu-
sion and tyranny." (By this he, of
course, means the tyranny of the ma-
jority—that is, the tyranny of the
American people as a whole.) He also
says that my proposal (which, as he
rightly sees, is merely a proposal to
give the people a real instead of only a
nominal chance to construe and amend
a state constitution with reasonable
rapidity) would make such amendment
and interpretation "depend on the fe-
verish, uncertain and unstable deter-
mination of successive votes on differ-
ent laws by temporary and changing
majorities," and that "it lays the ax at
the foot of the tree of well ordered
freedom and subjects the guarantees of
life, liberty and property without rem-
edy to the fitful impulse of a tempo-
rary majority of an electorate."

This criticism is really less a criti-
cism of my proposal than a criticism
of all popular government. It is
wholly unfounded, unless it is founded
on the belief that the people are fund-
amentally untrustworthy. This is the
question that I propose to submit to
the people. How can the prevailing
morality or a preponderant opinion be
better and more exactly ascertained
than by a vote of the people? The
people must know better than the
court what their own morality and
their own opinion is. I ask that you
here, you and others like you, you the
people, be given the chance to state
your own views of justice and public
morality and not sit meekly by and
have your views announced for you by
well meaning adherents of outworn
philosophies, who exalt the pedantry
of formulas above the vital needs of
human life.

Mr. Taft's position is the position
that has been held from the beginning
of our government, although not al-
ways so openly held, by a large num-

ber of reputable and honorable men
who down at bottom distrust popular
government and when they must ac-
cept it accept it with reluctance and
hedge around it with every species of
restriction and check and balance so
as to make the power of the people as
limited and as ineffective as possible.
Mr. Taft fairly defines the issue when
he says that our government is and
should be a government of all the peo-
ple by a representative part of the peo-
ple. This is an excellent and moderate
description of an oligarchy. It defines
our government as a government of all
of the people by a few of the people.

I am not speaking jokingly nor do I
mean to be unkind, for I repeat that
many honorable and well meaning men
of high character take this view and
have taken it from the time of the for-
mation of the nation. Essentially this
view is that the constitution is a strait-
jacket to be used for the control of an
unruly patient—the people. Now, I
hold that this view is not only false,
but mischievous, that our constitutions
are instruments designed to secure jus-
tice by securing the deliberate but ef-
fective expression of the popular will.
That the checks and balances are valu-
able as far and only so far as they ac-
complish that deliberation and that it
is a warped and unworthy and impro-
per construction of our form of govern-
ment to see in it only a means of
thwarting the popular will and of pre-
venting justice. Mr. Taft says that
"every class" should have a "voice" in
the government. That seems to me a
very serious misconception of the
American political situation. The real
trouble with us is that some classes
have had too much voice. One of the
most important of all the lessons to be
taught and to be learned is that a man
should vote not as a representative of
a class, but merely as a good citizen,
whose prime interests are the same as
those of all other good citizens.

Taft's "Disbelief in the People."

Mr. Taft again and again, in quota-
tions I have given and elsewhere
through his speech, expresses his dis-
belief in the people when they vote at
the polls. In one sentence he says that
the proposition gives "powerful effect
to the momentary impulse of a ma-
jority of an electorate and prepares the
way for the possible exercise of the
grossest tyranny." Elsewhere he
speaks of the "feverish uncertainty"
and "unstable determination" of laws
by "temporary and changing majori-
ties," and again he says that the sys-
tem I propose "would result in suspen-
sion or application of constitutional
guarantees according to popular
whim," which would destroy "all pos-
sible consistency" in constitutional in-
terpretation. I should much like to
know the exact distinction that is to
be made between what Mr. Taft calls
"the fitful impulse of a temporary ma-
jority" when applied to a question such
as that I raise and any other question.
Remember that under my proposal to
review a rule of decision by popular
vote, amending or constraining to that
extent the constitution, would certainly
take at least two years from the time
of the election of the legislature which
passed the act. Now, only four months
elapse between the nomination and the
election of a man as president, to fill
for four years the most important of-
fice in the land. In one of Mr. Taft's
speeches he speaks of "the voice of
the people as coming next to the voice
of God." Apparently, then, the decision
of the people about the presidency, after
four months' deliberation, is to be
treated as "next to the voice of God,"
but if after two years of sober thought
they decide that women and children
shall be protected in industry, or men
protected from excessive hours of labor
under unhygienic conditions, or wage
workers compensated when they lose
life or limb in the service of others,
then their decision forthwith becomes
a "whim" and "feverish" and "unsta-
ble" and an exercise of "the grossest
tyranny" and the "laying of the ax at
the foot of the tree of freedom." That
is the old, old doctrine which has been
acted upon for thousands of years
abroad and which here in America has
been acted upon sometimes openly,
sometimes secretly, for forty years by
many men in public and in private
life, and I am sorry to say by many
judges: a doctrine which has in fact
tended to create a bulwark for privi-
lege, a bulwark unjustly protecting
special interests against the rights of
the people as a whole. This doctrine
is to me a dreadful doctrine, for its ef-
fect is, and can only be, to make the
courts the shield of privilege against
popular rights. Naturally, every up-
holder and beneficiary of crooked privi-
leges loudly applauds the doctrine. It
is behind the shield of that doctrine
that crooked clauses creep into laws,
that men of wealth control legislation.

"Just Judges Safe."
Remember I am not discussing the
recall of judges—although I wish it
distinctly understood that the recall is
a mere piece of machinery to take the
place of the unworkable impeachment
which Mr. Taft in effect defends and
that if the days of Maynard ever came
back again in the state of New York
I should favor it. I have no wish to
come to it, but our opponents when
they object to all efforts to secure real
justice from the courts are strengthen-
ing the hands of those who demand
the recall. In a great many states
there has been for many years a real
recall of judges as regards appoint-
ments, promotions, reappointments and
re-elections, and this recall was
through the turn of a thumbscrew at
the end of a long distance rod in the
hands of great interests. I believe that
a just judge would feel far safer in the
hands of the people than in the hands
of those interests.

My remedy is not the result of a li-
brary study of constitutional law, but
of actual and long continued experi-
ence in the use of governmental power

to redress social and industrial evils.
Again and again earnest workers for
social justice have said to me that the
most serious obstacles that they have
encountered during the many years
that they have been trying to save
American women and children from
destruction in American industry have
been the courts. That is the judgment
of almost all the social workers I know
and of dozens of parish priests and
clergymen and of every executive and
legislator who has been seriously at-
tempting to use government as an
agency for social and industrial bet-
terment. What is the result of this sys-
tem of judicial nullification? It was
accurately stated by the court of ap-
peals of New York in the employers' li-
ability case, where it was calmly and
judicially declared that the people un-
der our republican government are less
free to correct the evils that oppress
them than are the people of the mono-
archies of Europe. To any man with
vision, to any man with broad and real
social sympathies, to any man who be-
lieves with all his heart in this great
democratic republic of ours, such a
condition is intolerable. It is not gov-
ernment by the people, but mere sham
government in which the will of the
people is constantly defeated. It is
out of this experience that my remedy
has come, and let it be tried in this
field. When as the result of years of
education and debate a majority of the
people have decided upon a remedy for
an evil from which they suffer and
have chosen a legislative and executive
pledged to embody that remedy in law
and the law has been finally passed
and approved I regard it as monstrous
that a bench of judges shall then say
to the people: "You must begin all over
again. First, amend your constitution
[which will take four years]; second,
secure the passage of a new law
[which will take two years more];
third, carry that new law over the
weary course of litigation [which will
take no human being knows how long];
fourth, submit the whole matter over
again to the very same judges who
have rendered the decision to which
you object. Then, if your patience
holds out and you finally prevail, the
will of the majority of the people may
have its way." Such a system is not
popular government, but a mere mock-
ery of popular government.

People Will Define "Liberty."

The decisions of which we complain
are, as a rule, based upon the constitu-
tional provision that no person shall
be deprived of life, liberty or property
without due process of law. The terms
"life, liberty and property" have been
used in the constitutions of the English
speaking peoples since Magna Charta.
Until within the last sixty years they
were treated as having specific mean-
ings—"property" meant tangible prop-
erty; "liberty" meant freedom from
personal restraint, or, in other words,
from imprisonment in its largest de-
finition. About 1870 our court began to
attach to these terms new meanings.
Now "property" has come to mean
every right of value which a person
could enjoy, and "liberty" has been
made to include the right to make con-
tracts. As a result, when the state
limits the hours for which women may
labor, it is told by the courts that this
law deprives them of their "liberty,"
and when it restricts the manufacture
of tobacco in a tenement it is told that
the law deprives the landlord of his
"property." Now, I do not believe
that any people, and especially our
free American people, will long con-
sent that the term "liberty" shall be
defined for them by a bench of judges.
Every people has defined that term for
itself in the course of its development.

Task is to Strive For Justice.

Friends, our task as Americans is to
strive for social and industrial justice,
achieved through the genuine rule of
the people. This is our end, our pur-
pose. The methods for achieving the
end are merely expedients to be finally
accepted or rejected according as actual
experience shows that they work
well or ill. But in our hearts we must
have this lofty purpose, and we must
strive for it in all earnestness and sin-
cerity or our work will come to noth-
ing. In order to succeed we need lead-
ers of inspired idealism, leaders to
whom are granted great visions, who
dream greatly and strive to make their
dreams come true; who can kindle the
people with the fire from their own
burning souls. The leader for the time
being, whoever he may be, is but an
instrument to be used until broken
and then to be cast aside, and if he
is worth his salt he will care no more
when he is broken than a soldier cares
when he is sent where his life is for-
feit in order that the victory may be
won. In the long fight for righteous-
ness the watchword for all of us is
spend and be spent. It is of little mat-
ter whether any one man falls or suc-
ceeds, but the cause shall not fail, for
it is the cause of mankind. We, here
in America, hold in our hands the hope
of the world, the fate of the coming
years, and shame and disgrace will be
ours if in our eyes the light of high
resolve is dimmed, if we trail in the
dust the golden hopes of men. If on
this new continent we merely build
another country of greed but unjustly
divided material prosperity we shall
have done nothing, and we shall do as
little if we merely set the greed of envy
against the greed of arrogance and
thereby destroy the material well be-
ing of all of us. To turn this govern-
ment either into government by plu-
tocracy or government by a mob would
be to repeat on a larger scale the
lamentable failures of the world that
is dead. We stand against all tyr-
anny, by the few or by the many. We
stand for the rule of the many in the
interest of all of us, for the rule of the
many in a spirit of courage, of com-
mon sense, of high purpose, above all
in a spirit of kindly justice toward
every man and every woman.



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